

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

9:30 AM

1: -

Chapter

#0.00 You will not be permitted to be physically present in the courtroom. All appearances for this calendar will be via Zoom and not via Court Call. All parties participating in these hearings may connect from the zoom link listed below. This service is free of charge. You may participate using a computer or telephone.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join CACB ZoomGov Meeting

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Telephone conference lines: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 160 165 8879

Password: 542914

For more information on appearing before Judge Kaufman by ZoomGov, please see the information entitled "Tips for a Successful ZoomGov Court Experience" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-victoria-s-kaufman> under the tab "Telephonic Instructions."

Docket 0

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

9:30 AM

CONT...

Chapter

Tentative Ruling:

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**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

9:30 AM

1:16-13377 Nahed Talei

Chapter 13

#1.00 Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOCIATION
VS
DEBTOR

fr. 9/22/21

Stip for adequate protection filed 10/8/21

Docket 117

***** VACATED *** REASON: Order approving stip entered 10/13/21.**

Tentative Ruling:

- NONE LISTED -

| |
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| Party Information |
|--------------------------|

Debtor(s):

Nahed Talei

Represented By
Michael F Frank
Peggi A Gross

Movant(s):

U.S. Bank National Association, as

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

9:30 AM

1:17-10681 Sandra Murray

Chapter 13

#2.00 Motion for relief from stay [RP]

PNC BANK, NATIONAL ASSOCIATION
VS
DEBTOR

fr. 7/21/21(stip); 8/25/21(stip); 9/22/21

Docket 71

Tentative Ruling:

- NONE LISTED -

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| Party Information |
|--------------------------|

Debtor(s):

Sandra Murray

Represented By
Todd J Roberts

Movant(s):

PNC Bank, National Association

Represented By
Jenelle C Arnold

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

9:30 AM

1:19-12554 Martin Vincent Hisey

Chapter 13

#3.00 Motion for relief from stay [RP]

SELECT PORTFOLIO SERVICING, INC.
VS
DEBTOR

Docket 46

***** VACATED *** REASON: No chambers copy of motion provided.
Motion is not on calendar.**

Tentative Ruling:

- NONE LISTED -

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Martin Vincent Hisey

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:17-10673 Hermann Muennichow

Chapter 7

Adv#: 1:18-01077 The Lincoln National Life Insurance Company, an In v. Duane Van Dyke

#4.00 Order to Show Cause Why This Court Should Not Abstain From
This Adversary Proceeding

fr. 6/16/21; 7/21/21

Docket 134

Tentative Ruling:

At the prior hearing, the parties indicated that they would transfer this action and the funds in the Court's Registry to state court. What is the status of the transfer?

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| Party Information |
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Debtor(s):

Hermann Muennichow

Represented By
Stuart R Simone
Nicholas A West

Defendant(s):

Duane Van Dyke Irrevocable Trust

Represented By
Kelly Warren
Benjamin Blakeman

Helayne Muennichow

Represented By
Robert J McKennon
Gary A Kurtz
Nicholas A West

David Seror

Represented By
Richard Burstein
Jessica L Bagdanov

Plaintiff(s):

The Lincoln National Life Insurance

Represented By
Erin Illman

**United States Bankruptcy Court
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1:30 PM

CONT... Hermann Muennichow

Chapter 7

David W. Meadows
Robert R Marcus

Trustee(s):

David Seror (TR)

Represented By
Richard Burstein
Jessica L Bagdanov

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:18-10417 Deborah Lois Adri

Chapter 7

Adv#: 1:19-01072 Adri v. Adri

#5.00 Pretrial conference re: complaint to deny debtor's discharge

fr. 8/21/19; 10/2/19; 11/6/19; 1/15/20; 11/18/20; 4/21/21; 5/19/21;
7/14/21; 9/22/21

Docket 1

Tentative Ruling:

The Court will set a pretrial conference for **1:30 p.m. on December 8, 2021**. No later than **November 24, 2021**, the parties must file a joint pretrial stipulation.

In the response to the Order to Show Cause, the plaintiff asserts that he plans to conduct discovery. However, on October 8, 2018, the Court entered a *Consolidated Status Conference and Scheduling Order Pursuant to LBR 7016-1(a)(4)*, setting June 1, 2020 as the discovery cutoff date. As such, the deadline to complete discovery has passed.

The plaintiff must submit a Scheduling Order within seven (7) days.

If any of these deadlines are not satisfied, the Court will consider imposing sanctions against the party at fault pursuant to Local Bankruptcy Rule 7016-1(f) and (g).

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| Party Information |
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Debtor(s):

Deborah Lois Adri

Represented By
Gary R Wallace

Defendant(s):

Deborah Adri

Pro Se

Plaintiff(s):

Moshe Adri

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

CONT... Deborah Lois Adri

Chapter 7

Trustee(s):

Elissa Miller (TR)

Represented By

Cathy Ta

Larry W Gabriel

Claire K Wu

**United States Bankruptcy Court
Central District of California
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Wednesday, October 20, 2021

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1:30 PM

1:18-10417 Deborah Lois Adri

Chapter 7

Adv#: 1:19-01072 Adri v. Adri

#6.00 Order to show cause why this adversary proceeding should
not be dismissed for failure to prosecute

Docket 34

Tentative Ruling:

In light of the plaintiff's response [doc. 39], the Court will discharge this Order to
Show Cause.

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| Party Information |
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Debtor(s):

Deborah Lois Adri

Represented By
Gary R Wallace

Defendant(s):

Deborah Adri

Represented By
Gary R Wallace

Plaintiff(s):

Moshe Adri

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Cathy Ta
Larry W Gabriel
Claire K Wu

**United States Bankruptcy Court
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Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:18-10417 Deborah Lois Adri

Chapter 7

Adv#: 1:19-01088 Elissa D. Miler, chapter 7 trustee for the estate v. Adri

#7.00 Status conference re: complaint to deny discharge

fr. 10/2/19; 11/6/19; 1/15/20; 10/14/20; 11/18/20; 4/21/21
5/19/21; 7/14/21; 9/22/21

Docket 1

Tentative Ruling:

In the order approving the compromise between the parties [Bankruptcy Docket, doc. 425], the Court stated that the plaintiff is authorized to dismiss this adversary proceeding. When will the plaintiff submit a stipulation to dismiss this adversary proceeding - without dismissing the adversary proceeding commenced by Moshe Adri, *i.e.*, Adv. No. 1:19-ap-1072?

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| Party Information |
|--------------------------|

Debtor(s):

Deborah Lois Adri

Represented By
Nina Z Javan
Daniel J Weintraub
James R Selth

Defendant(s):

Deborah Lois Adri

Pro Se

Plaintiff(s):

Elissa D. Miler, chapter 7 trustee for

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Cathy Ta
Larry W Gabriel

**United States Bankruptcy Court
Central District of California
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Hearing Room 301

1:30 PM

1:18-11620 Antoine R Chamoun

Chapter 7

Adv#: 1:19-01105 Seror, Chapter 7 Trustee v. Chamoun et al

#8.00 Status conference re: first amended complaint: (1) To avoid and recover fraudulent transfers for the benefit of the estate; (2) To Avoid and recover preferential transfers for the benefit of the estate; (3) For breach of contract; (4) Turnover of estate property; and (5) Unjust enrichment

fr. 11/20/19; 6/17/20; 8/19/20; 9/23/20; 12/9/20(stip); 3/24/21(stip)
5/12/21; 7/14/21; 9/15/21(stip)

Stip for dismissal filed 10/7/21

Docket 27

Tentative Ruling:

- NONE LISTED -

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| Party Information |
|--------------------------|

Debtor(s):

Antoine R Chamoun

Represented By
William H Brownstein

Defendant(s):

Walid R. Chamoun

Pro Se

Patricia Chamoun

Pro Se

Plaintiff(s):

David Seror, Chapter 7 Trustee

Represented By
Richard Burstein

**United States Bankruptcy Court
Central District of California
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1:30 PM

CONT... Antoine R Chamoun

Chapter 7

Trustee(s):

David Seror (TR)

Represented By
Richard Burstein
Jorge A Gaitan

**United States Bankruptcy Court
Central District of California
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Judge Victoria Kaufman, Presiding
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Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:18-11620 Antoine R Chamoun

Chapter 7

Adv#: 1:21-01013 Seror v. Chamoun

#9.00 Status conference re: complaint by David Seror
against Antoine R Chamoun

fr. 5/12/21; 7/14/21; 8/18/21(stip)

Stip for dismissal filed 10/7/21

Docket 1

Tentative Ruling:

- NONE LISTED -

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|--------------------------|
| Party Information |
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Debtor(s):

Antoine R Chamoun

Represented By
William H Brownstein

Defendant(s):

Antoine R Chamoun

Pro Se

Plaintiff(s):

David Seror

Represented By
Ryan Coy

Trustee(s):

David Seror (TR)

Represented By
Richard Burstein
Jorge A Gaitan
Robyn B Sokol
Ryan Coy

**United States Bankruptcy Court
Central District of California
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Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:19-10448 Linda Moraga

Chapter 7

Adv#: 1:20-01122 Zamora v. Smith et al

#10.00 Pretrial Conference re: Complaint for:
(1) Avoidance of Fraudulent Transfers; and
(2) Recovery of Avoided Transfer

fr. 2/24/21; 3/3/21(stip); 4/21/21

Docket 1

Tentative Ruling:

Contrary to the Court's scheduling order [doc. 14] and Local Bankruptcy Rule 7016-1(b), the parties did not timely submit a joint pretrial stipulation; alternatively, the plaintiff did not timely file a unilateral pretrial statement. Consequently, the Court will issue an Order to Show Cause why this adversary proceeding should not be dismissed for failure to prosecute.

The Court will prepare the Order.

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| Party Information |
|--------------------------|

Debtor(s):

Linda Moraga

Represented By
Daniel King

Defendant(s):

Jason Robert Smith

Pro Se

Jeong Min Lee

Pro Se

Plaintiff(s):

Nancy H Zamora

Represented By
Anthony A Friedman

Trustee(s):

Nancy J Zamora (TR)

Represented By

**United States Bankruptcy Court
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1:30 PM

CONT...

Linda Moraga

Anthony A Friedman

Chapter 7

**United States Bankruptcy Court
Central District of California
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Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:19-12677 John Stephen Travers

Chapter 7

Adv#: 1:20-01010 Ace Industrial Supply, Inc. v. Travers

#11.00 Pre-trial conference re: complaint to determine dischargeability

fr. 3/25/20; 5/6/20; 6/10/20; 12/9/20; 2/10/21, 5/5/21; 8/4/21; 9/22/21(stip)

Stip to continue filed 9/21/21

Docket 1

***** VACATED *** REASON: Order approving stip entered 9/22/21.
Hearing Continued to 1/12/22 at 1:30 p.m. [Doc.#70]**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
|--------------------------|

Debtor(s):

John Stephen Travers

Represented By
Robert M Aronson

Defendant(s):

John Stephen Travers

Pro Se

Plaintiff(s):

Ace Industrial Supply, Inc.

Represented By
Jeffery J Daar

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:20-11006 Lev Investments, LLC

Chapter 11

Adv#: 1:21-01020 Lev Investments, LLC v. Feygenberg et al

#12.00 Status conference re first amended complaint
objecting to claim and counterclaims

fr. 7/7/21; 7/28/21; 8/18/21

Docket 23

***** VACATED *** REASON: Case has been reassigned to judge Geraldine
Mund.**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

Lev Investments, LLC

Represented By
David B Golubchik
Juliet Y Oh

Defendant(s):

Ruvyn Feygenberg

Pro Se

Michael Leizerovitz

Pro Se

Sensible Consulting and

Pro Se

Plaintiff(s):

Lev Investments, LLC

Represented By
Juliet Y Oh
David B Golubchik

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:21-10254 David Nkruryan

Chapter 7

Adv#: 1:21-01055 United States Trustee (SV) v. Nkruryan

#13.00 Status conference re: complaint to discharge pursuant to
11 U.S.C. §§ 727(a)(3) and 727(a)(5)

STIP TO CONTINUE FILED 10/4/21

Docket 1

***** VACATED *** REASON: Order approving stip entered 10/8/21.
Hearing continued to 11/17/21 at 1:30 PM.**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

David Nkruryan

Represented By
Rosie Barmakszian

Defendant(s):

David Nkruryan

Pro Se

Plaintiff(s):

United States Trustee (SV)

Represented By
Katherine Bunker

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, October 20, 2021

Hearing Room 301

1:30 PM

1:21-10844 Michael Chulak

Chapter 7

Adv#: 1:21-01054 Chulak v. Smith et al

#14.00 Status conference re: complaint to determine 1) Validity and extent of
purported liens; and 2) Disallowance of purportedly secured claim

Docket 5

***** VACATED *** REASON: Voluntary Dismissal of Adversary
Proceeding filed 9/21/21. [FRBP 7041(a)]**

Tentative Ruling:

- NONE LISTED -

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|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Michael Chulak

Represented By
Michael R Totaro
Candice Candice Bryner

Defendant(s):

Robert Smith

Pro Se

Hillary Smith

Pro Se

Natalie Smith

Pro Se

THE GREEN LAW GROUP, LLP

Pro Se

Plaintiff(s):

Michael Chulak

Represented By
Candice Bryner
Candice Candice Bryner

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, October 20, 2021

Hearing Room 301

2:30 PM

1:20-11166 Lanny Jay Dugar

Chapter 7

Adv#: 1:20-01083 Bjornbak et al v. Dugar

#15.00 Motion to quash subpoena seeking non-party's records from Bank of America, N.A., and for a protective order and request for monetary sanctions against Qiang Bjornbak

Docket 26

Tentative Ruling:

On October 14, 2021, the plaintiffs filed an untimely opposition to the motion [doc. 34]. Although the plaintiffs contend the opposition was untimely because they did not check their P.O. Box, plaintiff Qiang Bjornbak receives notice via the Court's Notice of Electronic Filing system.

In a declaration attached to the untimely opposition, Ms. Bjornbak contends that, on August 31, 2021, an individual named Jibing Li served Moshe Ben Nissan with the subject subpoena via certified mail. The proof of service attached to the subpoena also indicates that the subpoena was served on August 31, 2021.

In the reply to the untimely opposition [doc. 33], Mr. Nissan contends he did not receive the subject subpoena and that the plaintiffs failed to provide a copy of a Domestic Return Receipt evidencing service by certified mail; Mr. Nissan also contends he was unable to track service of the subpoena by searching certain tracking numbers. Mr. Nissan also notes that the plaintiffs have not provided a declaration by Jibing Li, the individual who completed service of process. The plaintiffs have not otherwise provided a tracking number related to service of the subpoena on Mr. Nissan.

In light of the untimely opposition and the issue regarding whether the plaintiffs actually served Mr. Nissan on August 31, 2021, the Court will continue this hearing to **2:30 p.m. on November 10, 2021**. No later than **October 27, 2021**, the plaintiffs must file and serve a declaration by Jibing Li regarding service of the subpoena on Mr. Nissan and attach the tracking number and receipt of service by certified mail.

In addition, Mr. Nissan contends that the exhibits attached to the opposition filed by

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2:30 PM

CONT...

Lanny Jay Dugar

Chapter 7

the plaintiffs contain personal identifiers. No later than **October 22, 2021**, Mr. Nissan must provide the plaintiffs with the last four digits of the account numbers, **belonging to his personal bank accounts, which account numbers (except the last four digits) must be redacted from the filed pleadings.**

No later than **October 26, 2021**, the plaintiffs must file and serve a motion, in accordance with Local Bankruptcy Rule 9037-1(a), for a protective order pursuant to 11 U.S.C. § 107(c) and Fed. R. Bankr. P. 9037. The plaintiffs must use the form motion located on the Court's website at <https://www.cacb.uscourts.gov/forms/motion-protective-order-pursuant-11-usc-%C2%A7-107c-and-frbp-9037-restrict-access-filed-documents> .

The Court notes that, even if Mr. Nissan did not waive his right to object to the subject subpoena, Mr. Nissan's financial records may not be subject to a right to privacy. "Federal Rule of Evidence ("FRE") 1101 provides that the rule of evidentiary privilege of the FRE applies to all stages of proceedings before bankruptcy judges." *In re Yassai*, 225 B.R. 478, 482 (Bankr. C.D. Cal. 1998). "Under the FRE, 'evidentiary privileges in federal question cases are governed by federal common law.'" *Id.* (quoting *Dole v. Milonas*, 889 F.2d 885, 889 n.6 (9th Cir. 1989)). "The Ninth Circuit has stated that it knew 'of no authority which recognizes a privilege for communications between bank and depositor' and 'decline[d] to create such a privilege....'" *Id.*, at 483 (quoting *Harris v. United States*, 413 F.2d 316, 319 (9th Cir. 1969)). "In subsequent cases, courts have uniformly held that the banker depositor privilege was not recognized at common law and does not exist in the Federal Courts." *Id.* (internal quotation omitted). Although Mr. Nissan argues that *Yassai* and *Harris* did not involve the rights of nonparties, the cases did not make any distinction between parties and nonparties.

However, Mr. Nissan may be entitled to a protective order. To the extent Mr. Nissan contends he has a privacy interest in the subject records, any such interest is subject to a balancing test. *Stallworth v. Brollini*, 288 F.R.D. 439, 444 (N.D. Cal. 2012). "Relevant factors to be considered in this balancing test include the type of record requested, the information it does or might contain, the potential for harm in any subsequent non-consensual disclosure, the injury from disclosure to the relationship in which the record was generated, the adequacy of safeguards to prevent unauthorized disclosure, the degree of need for access, and whether there is an express statutory mandate, articulated public policy, or other recognizable public interest militating

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CONT... **Lanny Jay Dugar**
toward access." *Id.*

Chapter 7

Contrary to Local Bankruptcy Rule 7026-1(c), the parties did not meet and confer regarding these issues. At this time, the Court does not intend to sanction either party. However, if the parties do not comply with the instructions above, the Court may impose sanctions against the party at fault.

Until the Court issues a ruling on the motion to quash, or the parties reach an agreement regarding the motion to quash, the plaintiffs may not use, disseminate, share or otherwise disclose the records as to Mr. Nissan's accounts obtained from Bank of America.

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| Party Information |
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Debtor(s):

| | |
|-----------------|--------|
| Lanny Jay Dugar | Pro Se |
|-----------------|--------|

Defendant(s):

| | |
|-----------------|--------|
| Lanny Jay Dugar | Pro Se |
|-----------------|--------|

Plaintiff(s):

| | |
|----------------|----------------------------------|
| David Bjornbak | Represented By Qiang Bjornbak |
| Qiang Bjornbak | Represented By Qiang Bjornbak |

Trustee(s):

| | |
|---------------------------|--------|
| David Keith Gottlieb (TR) | Pro Se |
|---------------------------|--------|

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, October 20, 2021

Hearing Room 301

2:30 PM

1:20-11286 Transpine, Inc.

Chapter 7

Adv#: 1:21-01024 GOTTlieb v. Tepper et al

#16.00 Plaintiff David K. Gottlieb, Chapter 7 Trustee's motion for summary judgment

Docket 14

Tentative Ruling:

Grant.

Movant must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

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| Party Information |
|--------------------------|

Debtor(s):

Transpine, Inc.

Represented By
Leslie A Cohen
Paul M Kelley

Defendant(s):

Daniel Tepper

Represented By
Baruch C Cohen

Oren Tepper

Represented By
Baruch C Cohen

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

DAVID K GOTTlieb

Represented By
Ron Bender

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CONT... Transpine, Inc.

Chapter 7

Carmela Pagay
Beth Ann R Young
Richard P Steelman Jr

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Ron Bender
Carmela Pagay
Richard P Steelman Jr